



**August 31, 2018**

**HHS FOIA Request: 2018-00217-FOIA-OS**

**Legal Case: 1:18-cv-00466-CRC**

Mr. Daniel Stevens  
Executive Director  
Campaign for Accountability  
611 Pennsylvania Ave., S.E. #337  
Washington, D.C. 20003

Via E-mail: [dstevens@campaignforaccountability.org](mailto:dstevens@campaignforaccountability.org)

Dear Mr. Stevens:

This letter is the third interim response to your November 8, 2017, Freedom of Information Act (FOIA)<sup>1</sup> request, which Ms. Katie O'Connor (formerly of your staff) sent via electronic mail to the attention of Michael Marquis, FOIA Director, Department of Health and Human Services (HHS or Department). In accordance with the June 4, 2018 minute order of the Court, our agency will be providing rolling responses to your FOIA request in accordance with the Court-established schedule, as we continue with our review of the records located. This letter constitutes our third response for the records we have reviewed to date.

To reiterate the scope and substance of your organization's FOIA request, you sought two itemized categories of records as described below, for the time period of January 20, 2017, to the date the records search began:

- 1) All communications, meeting notices, meeting agendas, informational materials, draft legislation, talking points, or other materials received by HHS from, sent by HHS to, or exchanged between HHS and representatives of Alliance Defending Freedom, the Heritage Foundation, the Susan B. Anthony List, and Concerned Women for America about the May 4 "Promoting Free Speech and Religious Liberty" executive order, the HHS rules that are being drafted in response to that order, or any other efforts to alter or weaken the Affordable Care Act's contraceptive mandate.
- 2) All calendar entries reflecting meetings between HHS and representatives of Alliance Defending Freedom, the Heritage Foundation, the Susan B. Anthony List, and Concerned Women for America about the May 4 "Promoting Free Speech and Religious Liberty" executive order, the HHS rules that are being drafted in response to that order, or any other efforts to alter or weaken the Affordable Care Act's contraceptive mandate.

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<sup>1</sup> 5 U.S.C. § 552

As we advised in our earlier July 2, 2018 initial response, upon receiving your request, the Department conducted an electronic search of the e-mail accounts and calendars of the HHS staff members who would customarily maintain these categories of records, if existent. As a result of that search, almost 7 gigabytes of records in personal storage table (.pst) format were located which may be potentially responsive to your request; however, those records required further review to determine whether they are indeed responsive. For this third response, we have reviewed e-mails and calendar entries, with an approximate size of 567 megabytes. Those e-mails, calendar entries and attachments, after conversion from the .pst file format in which they were provided to our office to a page-countable format, totaled approximately 4,065 pages of records.

After a thorough and detailed review of those records and their attachments by the FOIA office, no records were found within the above referenced 4,065 pages which were responsive to the two items of your request.

We are continuing to review the records located in response to your FOIA request, and as stated above, will be responding to your FOIA request with subsequent monthly productions.

Sincerely,

A handwritten signature in black ink, appearing to read "M. S. Marquis", with a stylized flourish at the end.

Michael S. Marquis  
Director  
Freedom of Information and Privacy Acts Division

Enclosures

cc: Jason T. Cohen, Esq.  
A. Mackenna White, Esq.  
Nichole L. Sterling, Esq.  
Kendall E. Wangsgard, Esq.  
Carey S. Busen, Esq.